

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

CHAPWOOD CAPITAL INVESTMENT	§	
MANAGEMENT, LLC and	§	
ED BUTOWSKY,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	Civil Action No. 4:18-cv-00548-ALM-KPJ
	§	
CHARLES SCHWAB & CO., INC.,	§	
WALTER W. BETTINGER, II, and KEVIN	§	
LEWIS,	§	
	§	
Defendants.	§	

FIFTH UPDATED JOINT STATUS REPORT

On October 30, 2018, the Court entered an Order and Report and Recommendation of United States Magistrate Judge (“Order”) (Dkt. 15), dismissing without prejudice several Defendants and referring the Plaintiffs Chapwood Capital Investment Management, LLC and Ed Butowsky (collectively, “Plaintiffs”) and the remaining Defendants Charles Schwab & Co., Inc., Walter W. Bettinger, II, and Kevin Lewis, (collectively, “Defendants”), “to binding arbitration, as agreed to by the parties.” The Court’s Order required the parties to submit a joint status report by February 27, 2019. The parties submitted a Joint Status Report (Dkt. 16), upon which this Court entered another Order (“Second Order”) (Dkt. 17) for the parties to submit an updated joint status report by May 30, 2019, on which date the parties filed an Updated Status Report (Dkt. 19). On June 6, 2019, the Court issued another Order (“Third Order”) (Dkt. 20) for the parties to submit an updated joint status report by August 30, 2019, on which date the parties filed a Second Updated Status Report (Dkt. 21). On December 2, 2019, the Court entered an Order (“Fourth Order”) requiring the parties to “provide an updated status report indicating the status of this matter by

March 27, 2020, or within seven days of the completion of the agreed arbitration, whichever is sooner.” (Dkt. 24), on which date the parties filed a Fourth Updated Status Report (Dkt. 25). On March 30, 2020, the Court entered an Order (“Fifth Order”) requiring the parties to “provide an updated status report indicating the status of this matter by June 29, 2020, or within seven days after the completion of the agreed arbitration, whichever is sooner.” (Dkt. 26) Pursuant to that Fifth Order, the remaining parties state as follows:

1. On August 27, 2019, Plaintiffs in this matter submitted a Demand for Arbitration with JAMS in Dallas, Texas, naming as Respondents each of the remaining Defendants in this matter. Plaintiffs copied counsel for Defendants via email on the submission.
2. On November 5, 2019, Defendants filed their Response to Plaintiffs’ Demand for Arbitration with JAMS and served it on Plaintiffs
3. On November 5, 2019, JAMS appointed three arbitrators.
4. On December 9, 2019, JAMS sent a First Request for Missing Items to Plaintiffs advising that it is missing the “Pre-hearing retainer in the amount of \$7,000.00, made payable to JAMS.”
5. On January 13, 2020, JAMS sent a Second Request for Missing Items to Plaintiffs advising that it is missing the “Pre-hearing retainer in the amount of \$7,000.00.”
6. Following this request, Plaintiffs’ counsel Ty Clevenger communicated with JAMS in February and March 2020 informing JAMS of certain personal information relating to Mr. Butowsky causing the delay in payment. Mr. Clevenger stated that Mr. Butowsky has been in and out of the hospital for the past three months, and

was currently awaiting further treatment at that time. Mr. Clevenger apprised Defendants' counsel of these communications on March 25, 2020.

7. On May 7, 2020, JAMS sent another request for a "status report on this matter."
8. Following this request, on May 7, 2020, Plaintiffs' counsel Ty Clevenger communicated with JAMS that his "client was released from the hospital but is awaiting another surgery [and that counsel would] try to find out when he thinks he will be ready to proceed."
9. To date, Plaintiffs have not paid JAMS arbitration pre-hearing retainer in the amount of \$7,000.00.
10. No further action in this matter has occurred.

Dated: June 29, 2020

Respectfully submitted,

/s/ Brett C. Govett

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Respectfully submitted,

/s/ Ty Clevenger

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to be filed)

*Counsel for Plaintiffs Chapwood Capital
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CERTIFICATE OF SERVICE

This pleading, Joint Status Report, was served in compliance with Rule 5 of the Federal Rules of Civil Procedure via the Court's ECF system, on June 29, 2020:

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